

REMARKS**Prior Restriction Requirement**

Claims 1-14 were withdrawn from consideration. These claims are now cancelled without prejudice. Applicant reserves the right to pursue some or all of these claims in one or several divisional or continuing applications.

Rejection under 35 U.S.C. § 102

Claims 15-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,381,496 (hereinafter referred to as “Meadows”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant has amended claims 15 and 21. The amendments are supported by the original application. No new matter has been entered.

Claim 15 recites:

- placing an implantable pulse generator in an activated mode using an external programming device; and
- sending a program-selection signal to the implantable pulse generator by the external programming device, wherein the implantable pulse generator stores at least two treatment protocol programs, each treatment protocol program being associated with at least one stimulation setting, and at least one of the programs being associated with a plurality of stimulation settings with each stimulation setting defining at least an independent electrode configuration;
- thereafter controlling the operation of the implantable pulse generator by the external programming device.

Claim 21 recites:

- placing an implantable pulse generator in an activated mode using an external programming device when the implantable pulse generator is implanted within a

patient and the external programming device is operated by a user, wherein the implantable pulse generator stores multiple stimulation programs with at least one stimulation program comprising a plurality of stimulation sets, wherein each stimulation set defines at least one pulse parameter and an electrode configuration comprising multiple electrode polarities;

sending a program-selection signal to the implantable pulse generator by the external programming device using wireless communications, the program-selection signal identifying a stimulation program stored in the implantable pulse generator that comprises a plurality of stimulation sets, wherein the sending does not communicate data defining stimulation sets of the selected stimulation program to the implantable pulse generator; and

in response to the program-selection signal, generating and delivering electrical pulses by the implantable pulse generator as defined by the parameters of the stimulation sets of the selected stimulation program, wherein the implantable pulse generator alternates generation and delivery of pulses according to the stimulation sets of the selected stimulation program.

Applicant respectfully submits that Meadows does not teach or suggest each and every limitation of claims 15 and 21.

Meadows discloses a stimulation system in which an implant device is controlled by a handheld programmer (HHP). Specifically, Meadows discloses that “[w]hen the patient user wants to select a different OPS for controlling the implant, he or she, using manual selection controls on the HHP 202 selects one of the plurality of OPS’s, e.g., OPS3.” Col. 17, lines 32-36. As shown in FIGURE 6 of Meadows, these sets of “operating parameters” are stored in the implant device (see OPS₀, OPS₁,...OPS_N). Meadows describes the individual parameters of each such set of operating parameters including a pulse width (PW) parameter, a pulse rate (PR) parameter, a pulse amplitude (PA) parameter, an electrode configuration (EC), ramp rate (RR), treatment times (TT), and “other parameters” (P1, P2). Col. 17, lines 5-11.

In regard to claim 15, as seen in description and figures of Meadows, there is no disclosure of a stimulation program that comprises a plurality of stimulation settings “with each stimulation setting defining at least an independent electrode configuration.” In regard to claim 21, Meadows does not disclose a stimulation program comprising “a plurality of stimulation sets, wherein each stimulation set defines at least one pulse parameter and an electrode configuration comprising multiple electrode polarities.” Accordingly, Meadows does not disclose selection of such programs and communication of the selection to the IPG in the manner recited by claims 15 and 21.

Thus, Meadows does not disclose each and every limitation of claims 15 and 21. These claims are not anticipated by Meadows. Claims 16-20 and 22-26 respectively depend from claims 15 and 21 and, likewise, are not anticipated by Meadows.

Conclusion

Applicant respectfully submits that the application is in condition for allowance and requests the Examiner to pass the application to issue. Applicant believes no fee is due with this response. However, if any fee is due, please charge Deposit Account No. 50-3906, from which the undersigned is authorized to draw.

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Respectfully submitted,

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